
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

NORMAN CRITTENDON, §
Plaintiff, §
versus § NO. 1:23-cv-00357-MAC-ZJH
MARK HOLMES, DEPUTY SHERIFF, §
Defendant. §

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

On September 21, 2023, the Court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management. Pending before the court is Defendant Mark Holmes' *Motion to Dismiss* (Doc. No. 8) and Plaintiff Norman Crittendon's *Motion for Order of a Rule 16 Management Conference* (Doc. No. 9). On June 27, 2024, Judge Hawthorn issued his Report and Recommendation, which recommended denying Defendant Holmes' *Motion to Dismiss* (Doc. No. 8), subject to reassertion in light of the testimony given at the *Spears* hearing held on January 24, 2024. Doc. No. 11 at 2. Additionally, Judge Hawthorn recommended that Plaintiff Norman Crittendon's *Motion for Order of a Rule 16 Management Conference* (Doc. No. 9) be denied. *Id.*

The Court received and considered the Report and Recommendation of the United States Magistrate Judge pursuant to such referral, along with the record, pleadings, and all available evidence. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1)(C). After careful review, the Court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

It is, therefore, ORDERED that the Report and Recommendation of the United States Magistrate Judge (Doc. No. 11) is ADOPTED. Accordingly, Defendant Mark Holmes' *Motion to Dismiss* (Doc. No. 8) and Plaintiff Norman Crittendon's *Motion for Order of a Rule 16 Management Conference* (Doc. No. 9) are DENIED.

SIGNED at Beaumont, Texas, this 12th day of August, 2024.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE